



SCOTUS strikes down law banning political T-shirts at polling places

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In a decisive 7-2 ruling in favor of the First Amendment's guarantee to freedom of speech, the United States Supreme Court has struck down as unconstitutionally vague a Minnesota law that bans political speech on any "badge, button, shirt, or hat" worn at election polling stations.

In weighing in on *Minnesota Voters Alliance v. Joe Mansky*, attorneys for The Rutherford Institute, Cato Institute, Reason Foundation, and The Individual Rights Foundation had argued that the Minnesota law opens the door to abuse of voters' free speech rights by giving appointed election officials unlimited discretion to determine what political speech should be censored, and is a sweeping prohibition of core First Amendment speech.

For example, the Minnesota law could have been interpreted in such a way as to classify as political and prohibit popular buttons or stickers that read, "I Voted", context-less images such as a marijuana leaf, and even iconic photographs of Gandhi, Martin Luther King Jr., or John Lennon.

"The polling site is one of the few remaining places where citizens can effectively voice their discontent with their government," said constitutional attorney John W. Whitehead, president of The Rutherford Institute and author of "Battlefield America: The War on the American People".

"Shutting down this traditional forum for expression threatens the very democratic principles that this nation was founded on, and undermines the purpose of the First Amendment. Thankfully, the court's acknowledgment that the Minnesota clothing ban statute is a violation of the fundamental right to freedom of speech will help to preserve the integrity of the First Amendment and the polling place."

In 2010, legislators in Minnesota revised its election law to include a ban on the wearing of any apparel that included "political" speech at polling places. Minnesota Statute § 211B.11 grants unelected and unaccountable polling judges the power to prevent voters from wearing any "political badges, political buttons, or other political insignia...at or about the police place on primary or election day."

On Election Day, several registered voters were specifically threatened with prosecution or were told to remove clothing items or buttons that read “Please I.D. Me” or had Tea Party logos, and an untold number of other voters were deterred from wearing such items in the first place on the threat of prosecution.